

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

CHERYL L. SIPES

PLAINTIFF

v.

Civil No. 3:07-cv-03022

MICHAEL J. ASTRUE, Commissioner
Social Security Administration

D E F E N D A N T

ORDER

Pending now before this court is plaintiff's Application for Attorney's Fees under the Equal Access to Justice Act ("EAJA"). (Doc. No. 13). In this Application, plaintiff requests an award of paralegal fees at an hourly rate of \$75.00. (Doc. No. 14). Defendant responded to this Application and objected to the hourly rate plaintiff requested for paralegal fees. (Doc. No. 14). Defendant claims that plaintiff is only entitled to paralegal fees at an hourly rate of \$65.00, not at an hourly rate of \$75.00. (Doc. No. 15).

Pursuant to the recent United States Supreme Court decision *Richlin Security Service Company v. Chertoff*, 128 S.Ct. 2007 (U.S. 2008), a prevailing party who satisfies EAJA's other requirements may recover his or her paralegal fees from the government **at prevailing market rates**. In the present action, plaintiff has not submitted any evidence establishing the prevailing market rates for paralegal fees. **In order to recover the requested paralegal fees, plaintiff is directed to file with this court evidence (e.g., an affidavit of counsel) of the prevailing market rates for paralegal fees within ten days of the date of this Order.**

DATED this 27th day of June 2008.

/s/ *J. Marschewski* _____

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE